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7 Attorneys for the Arizona State Board of Pharmacy

8  
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **ANA PASAYLO,**

12 Holder of License No. S016865  
As a Pharmacist  
13 In the State of Arizona

Board Case No. 10-0022-PHR

**CONSENT AGREEMENT  
FOR CIVIL PENALTY AND  
CONTINUING EDUCATION**

14  
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the  
17 public interest, statutory requirements and the responsibilities of the Arizona State Board  
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Ana Pasaylo ("Respondent"),  
19 holder of Pharmacist License Number S016865 in the State of Arizona, and the Board  
20 enter into the following Recitals, Findings of Fact, Conclusions of Law and Order  
21 ("Consent Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had  
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the  
24 opportunity to discuss this Consent Agreement with an attorney.  
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1           2.     Respondent understands that she has a right to a public administrative  
2 hearing concerning the above-captioned matter, at which hearing she could present  
3 evidence and cross examine witnesses. By entering into this Consent Agreement,  
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative  
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or  
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7           3.     Respondent affirmatively agrees that this Consent Agreement shall be  
8 irrevocable.

9           4.     Respondent understands that this Consent Agreement or any part of the  
10 agreement may be considered in any future disciplinary action by the Board against her.

11          5.     Respondent understands this Consent Agreement deals with Board  
12 Complaint No. 3697 involving allegations of unprofessional conduct against Respondent.  
13 The investigation into these allegations against Respondent shall be concluded upon the  
14 Board's adoption of this Consent Agreement.

15          6.     Respondent understands that this Consent Agreement does not constitute a  
16 dismissal or resolution of any other matters currently pending before the Board, if any,  
17 and does not constitute any waiver, express or implied, of the Board's statutory authority  
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19          7.     Respondent also understands that acceptance of this Consent Agreement  
20 does not preclude any other agency, subdivision, or officer of this State from instituting  
21 any other civil or criminal proceedings with respect to the conduct that is the subject of  
22 this Consent Agreement.

23          8.     Respondent acknowledges and agrees that, upon signing this Consent  
24 Agreement and returning this document to the Board's Executive Director, she may not  
25 revoke her acceptance of the Consent Agreement or make any modifications to the  
26

document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. Respondent understands that the Consent Agreement shall not become effective unless and until adopted by the Board and signed by its Executive Director.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, she will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

12. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

13. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(B)(20), -1927(A)(1).

ACCEPTED AND AGREED BY RESPONDENT

  
Ana Pasaylo

Dated: 12/24/09

Subscribed and sworn to before me in the County of Graham, State of Arizona, this 24<sup>th</sup> day of October, 2009, by Ana Pasaylo.



  
NOTARY PUBLIC

My Commission expires: Jan. 9, 2011

1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for licensing and regulating the  
3 practice of pharmacy in the State of Arizona.

4 2. Respondent is the holder of license number S016865 to practice as a  
5 pharmacist in the State of Arizona.

6 3. During all relevant times to these findings, Respondent worked as a  
7 pharmacist at Walgreens Pharmacy #2429 (the "Pharmacy") in Safford, Arizona.

8 4. In July 2009, the mother of a six-month old patient had a prescription for  
9 phenobarbital 15 mg filled at the Pharmacy. The directions on the prescription label  
10 incorrectly stated 3 tablets every 4 hours instead of the correct instructions to give 3  
11 tablets at bedtime. Respondent did not catch the error at final verification. Realizing the  
12 instructions on the label were wrong, the patient's mother did not follow the directions on  
13 the label.  
14  
15

16 **CONCLUSIONS OF LAW**

17 1. The Board possesses jurisdiction over the subject matter and over  
18 Respondent pursuant to A.R.S. § 32-1901 *et seq.*

19 2. The Board may discipline a pharmacist who has engaged in unprofessional  
20 conduct. A.R.S. § 32-1927(A)(1).

21 3. The conduct and circumstances described above constitutes unprofessional  
22 conduct pursuant to A.R.S. § 32-1901.01(B)(2) (Violating any federal or state law, rule or  
23 regulation relating to the manufacture or distribution of drugs and devices or the practice  
24 of pharmacy).  
25  
26



1 ORIGINAL OF THE FORGOING FILED  
2 this 20 day of November, 2009, with:

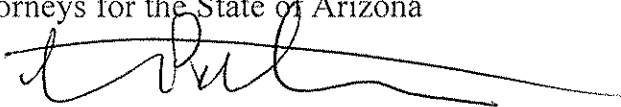
3 Arizona State Board of Pharmacy  
4 1700 West Washington, Suite 250  
5 Phoenix, Arizona 85007

6 EXECUTED COPY OF THE FOREGOING MAILED  
7 BY CERTIFIED MAIL  
8 this 20 day of November, 2009, to:

9 Ana Pasaylo  
10 2807 S. 12<sup>th</sup> Ave. #704  
11 Safford, Arizona 85546  
12 Respondent

13 EXECUTED COPY OF THE FOREGOING MAILED  
14 this 20 day of November, 2009, to:

15 Elizabeth A. Campbell  
16 Assistant Attorney General  
17 1275 W. Washington Street, CIV/LES  
18 Phoenix, Arizona 85007  
19 Attorneys for the State of Arizona

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22 #564368  
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